

CHAPTER 188. - ADMINISTRATION AND LICENSING

FOOTNOTE(S):

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Editor's note—Ord. No. 99-Or-116, § 1, adopted Oct. 29, 1999, repealed §§ 188.10—188.700, which pertained to establishments generally. Ord. No. 99-Or-119, § 1, adopted Oct. 29, 1999, enacted provisions designated as a new Ch. 188, §§ 188.10—188.580, to read as herein set out. See the Code Comparative Table.

Cross reference— Seeing eye dogs permitted in food establishments, § 74.90; general sanitation requirements for restaurants, bakeries and confectioneries, § 213.20; liquor and beer, Title 14; unlawful solicitations in food establishments, § 385.280

ARTICLE I. - GENERALLY

188.10. - Authority.

This chapter is adopted pursuant to Minnesota Statutes 1998, Chapter 144, 145, 145A, and 157, 17, 28A, 31, and 34A and related rules; and a delegation agreement authorized by Minnesota Statutes 145A.07 or 28A.075 between the Minnesota Department of Health or the Minnesota Department of Agriculture respectively, and the City of Minneapolis authorizing the Environmental Health Division of the Minneapolis Health Department to inspect and regulate food, beverage and lodging establishments. (99-Or-119, § 1, 10-29-99; 2013-Or-136, § 1, 12-6-13)

188.20. - Environmental Health Division of the Minneapolis Health Department to enforce.

This title shall be enforced by the environmental health division of the Minneapolis Health Department. (99-Or-119, § 1, 10-29-99; 2013-Or-136, § 2, 12-6-13)

188.30. - Office of Environmental Health Specialist/Sanitarian established; appointment, supervision.

There shall be an office of environmental health specialist/sanitarian of food and sanitation. The environmental health specialist/sanitarian of food and sanitation shall perform the duties of the office under the direction, supervision and control of the environmental health division. (99-Or-119, § 1, 10-29-99)

188.40. - Unwholesome food generally.

No person licensed under the terms of this chapter shall sell, offer for sale or have or keep in their possession with intent to sell, barter or give away, any meat, fish, oysters, birds, fowl, vegetables, fruits or other provisions or article of food or drink for human use or consumption that consists in whole or in part of any adulterated, filthy, decomposed or putrid animal or

vegetable substance or which are decayed or unfit or unsafe for use as food or drink for human consumption. (99-Or-119, § 1, 10-29-99)

188.50. - Notice to remove or destroy unwholesome food.

The environmental health division, upon discovering and determining that any food as herein defined which is offered or held for sale within the city is adulterated, decayed, diseased, unwholesome or for any cause unfit for human food, shall at once give the person in charge thereof notice to at once remove the same out of the city or to such place in the city as the environmental health division may designate or destroy the same as directed by the environmental health division. (99-Or-119, § 1, 10-29-99; 2013-Or-136, § 3, 12-6-13)

188.60. - Embargo and detention.

The environmental health division may attach a tag or issue a written notice of embargo or detention and thereby embargo any food, clothing, equipment, utensil or thing which by reason of origin, dirt, filth, extraneous matter, insects, temperature, corrosion, open seams, chipped or cracked surfaces is unfit for use. Such tag shall be printed as follows:

MINNEAPOLIS ENVIRONMENTAL HEALTH DIVISION HELD FOR INVESTIGATION

DATE _____

SANITARIAN _____

It shall be unlawful for any person to remove such tag from any food, utensil and the like or to remove or use such food, equipment, clothing and the like to which a tag has been attached or to remove, sell, give away, or otherwise dispose of any food covered by written notice of embargo or detention except by direction of the environmental health division. (99-Or-119, § 1, 10-29-99; 2013-Or-136, § 4, 12-6-13)

188.70. - Authority to inspect.

The environmental health division, or its agents or designees, after proper identification, shall, at all reasonable times, have the right to enter into and upon premises and inspect any food establishment, vehicle, food manufacturing establishment or other business required to have or possessing a food license as set forth by this chapter, and it shall be unlawful for any person in any way to obstruct or hinder or refuse to permit the environmental health division to inspect such premises. (99-Or-119, § 1, 10-29-99; 2013-Or-136, § 5, 12-6-13)

188.80. - Inspection of premises.

The environmental health division shall inspect and examine every public and private market, stall, shop, store, warehouse, storehouse, cart, wagon, sleigh or other vehicle in, on or about which any such meat, fish, oysters, birds or fowls, vegetables, fruit, market or other provisions are kept, held or offered for sale as human food, as to the sanitary condition, cleanliness and wholesomeness of such places and vehicles for keeping human food for sale or other disposition or storage, and shall see to it that they are constantly maintained in a clean, wholesome and

thoroughly sanitary condition. In case the inspector shall find any such place or vehicle to be in an unclean or unwholesome condition, the inspector shall notify the person in charge thereof to put it in a clean, wholesome and sanitary condition. (99-Or-119, § 1, 10-29-99; 2011-Or-071, § 1, 8-5-11; 2013-Or-136, § 6, 12-6-13)

188.90. - Inspection outside city.

(a) The environmental health division may permit the sale of food from food establishments outside the city without requiring an inspection by a representative of the environmental health division if local ordinances and reports from local or other responsible health authorities who have jurisdiction where such food establishments are located indicate comparable ordinance and inspection services to those in the city.

(b) Food shipped interstate and subject to federal inspection by the Federal Food and Drug Administration, United States Public Health Service, or other federal agencies may likewise be sold within the city without an inspection of the place of origin by the environmental health division. Food from such sources shall be protected from contamination and spoilage during subsequent handling, packaging and storage, and while in transit. (99-Or-119, § 1, 10-29-99; 2011-Or-071, § 2, 8-5-11; 2013-Or-136, § 7, 12-6-13)

188.100. - Inspection, condemnation of food and food products.

The environmental health division shall visit at intervals, as set out in Minnesota Statutes, section 157.20, Subd. 2, every public and private market, stall, shop, store, warehouse and storehouse and all carts, wagons, sleighs or other vehicles of vendors or street hawkers in, at or about which any meat, fish, oysters, birds or fowls, vegetables, fruit, milk or other food products are kept, held or carried for sale or other disposition as human food, and shall examine and carefully inspect all such food products. If any unhealthy, unwholesome or deleterious food products so intended for sale or other disposition as human food are found in or about any such place or vehicle, the environmental health division shall at once give the person in charge thereof notice to at once remove the same out of the city or to such place as the inspector shall direct, or to destroy the same; whereupon said person in charge shall remove the same out of the city or to such place as the environmental health division shall direct, or destroy the same as may be directed by the environmental health division. (99-Or-119, § 1, 10-29-99; 2011-Or-071, § 3, 8-5-11; 2013-Or-136, § 8, 12-6-13)

188.110. - Selling, sorting on streets.

(a) Selling. No person shall place, exhibit, display, offer for sale or sell, or cause to be placed, exhibited, displayed, offered for sale or sold, any fruits, vegetables or other food products of any kind upon or above any sidewalk, street or alley.

(b) Sorting. No person shall sort or pick over any fruit or berries of any kind upon any sidewalk, street, alley or other public place.

(c) Exception. Nothing in this section shall prevent duly licensed peddlers from selling from vehicles in the streets, nor shall prevent the operation of any groceteria or portable store

licensed under Chapter 295 of this Code; except that no butcher's type game, fish, poultry or meat shall be offered for sale or sold to consumers in streets or alleys or on sidewalks. (99-Or-119, § 1, 10-29-99)

188.120. - Early morning deliveries.

(a) "Established route" defined. As used in this section, the phrase "established route" means a route usually and regularly traveled for the purpose of delivering any of the products herein named to consumers usually purchasing any thereof.

(b) Hours prohibited. Between 12:00 midnight and 4:00 a.m., no person shall deliver or cause or permit to be delivered, to consumers or customers on regularly established routes in the city any milk, cream or other dairy products, or bread or other bakery products, or groceries or other food or drink for human consumption, and between said hours no person shall drive, use or permit any vehicle owned, operated or controlled by such person to be driven or used upon any street, avenue or alley of the city for the purpose of delivering to consumers on established routes any such products. (99-Or-119, § 1, 10-29-99)

188.130. - Vehicles for peddling food.

(a) Sanitation. All vehicles used for transporting or peddling fruits, vegetables, milk, meat, poultry or other like produce or provisions shall at all times be kept free from dirt, dust, grease and other hurtful and contaminating substances and in a clean and sanitary condition.

(b) Other use of vehicles. No peddler doing business in the city and using a vehicle for the transporting or peddling of fruits, vegetables, produce or other provisions shall use or permit or cause to be used such vehicle for the hauling or conveyance of junk, junk materials, scrap, garbage, refuse or any decayed animal or vegetable matter or other unclean and unwholesome substance or thing whatever.

(c) Inspection by environmental health division. The environmental health division, or its agents, shall inspect all vehicles used for transporting or peddling fruit, vegetables, milk, meat, poultry or other like produce or provisions, as needed, and shall condemn and destroy any food found thereon to be unsound, unwholesome or unfit for human consumption. (99-Or-119, § 1, 10-29-99; 2013-Or-136, § 9, 12-6-13)

188.140. - Presence of food indicates intent to sell.

The presence of any food on the licensed premises is prima facie evidence of its intended sale. (99-Or-119, § 1, 10-29-99)

188.150. - Presence of utensils and equipment.

The presence of utensils or equipment on the premises shall be prima facie evidence of their intended use. (99-Or-119, § 1, 10-29-99)

ARTICLE II. - LICENSING PROCEDURES

188.160. - License required.

It shall be unlawful for any person to conduct or operate a food establishment without obtaining a license therefor. The license issued under this chapter shall be known as a food license. No person shall engage in the business of selling food by vending machines without a license. Licenses are not transferable to other locations and individuals unless permitted in other sections of the ordinance. (99-Or-119, § 1, 10-29-99)

188.170. - Short-term food permits and seasonal short-term food permits.

Food or beverages may be served at community celebrations or similar events given that an event sponsor permit application, which contains a listing of all food and beverage vendors, is approved by the licensing official and Commissioner of Health or designee. Event sponsor permit includes one short-term food establishment permit to be operated by the event sponsor per event. Vendors of non-potentially hazardous beverages from a can, bottle or keg without garnishment or ice may be included under the event sponsor's short term food establishment permit without payment of any additional or separate food establishment permit fee, provided all other applicable beverage alcohol permits or licenses are lawfully obtained and fees paid. All other food and beverage vendors must obtain an individual short-term food establishment permit or hold a Minneapolis seasonal short-term food establishment permit. Event sponsor permits may be issued under proper application and the payment of a fee as established in the License Fee Schedule. Short-term and seasonal short-term food establishments as defined in 186.50 may be issued a permit upon proper application and the payment of a fee as established in Appendix J, License Fee Schedule. Short-term or seasonal short-term food establishment permits allow no more than two (2) food stands to operate per permit. The operation of short-term and seasonal short-term food establishments must be in conformity with the provisions of this chapter. The application for an event sponsor or short-term food establishment permit will be considered late if not received by the licensing official ten (10) or more business days prior to the date of the event. A late fee equal to one hundred (100) percent of the application fee will be charged to the applicant and must be received by the licensing official before the event sponsor or short-term food establishment permit is granted. Notwithstanding any other ordinance provision, the event sponsor, short-term food establishment and the seasonal short-term food establishment permit application shall be reviewed by the licensing official and Commissioner of Health or designee and approved or denied by the licensing official, with notice of the decision given to the council member representing the affected ward. (99-Or-119, § 1, 10-29-99; 2002-Or-097, § 1, 9-27-02; 2011-Or-071, § 4, 8-5-11; 2013-Or-136, § 10, 12-6-13; 2014-Or-093, § 1, 10-31-14)

188.180. - License application.

Any person desiring a food license shall file with the licensing official a written application for such license, giving in such application the full name, place, date of birth and address of the owner or proprietor of the building, shop, stall, vehicle, stand or place where such food establishment is to be conducted and for which a license is desired, the location of the building or buildings, and the part or portion thereof intended to be used in the conduct of such business and

under such license. If the applicant is a partnership or firm, the name, place and date of birth, residence address of all partners or persons interested therein; if a corporation, the state of incorporation, the name, place and date of birth, of all persons named in the corporation, and shall state whether or not any person named in the application has ever been convicted of any crime. Such application shall also indicate the source of funds used to begin operation of the food establishment and all documentary proof and evidence thereof including leases, contracts, purchase agreements, and financial statements. Such application shall also contain the kind, name, and location of every business or occupation applicant has been engaged in during the preceding ten (10) years, and the street address at which the applicant has lived during the preceding ten (10) years. The applicant shall state in such application the nature of the business to be conducted. If the applicant proposes to operate more than one (1) of such businesses, the applicant shall so state in the application and shall describe the part or portion of the building or place wherein the applicant proposes to conduct each of such businesses. If a license is granted, the part or portion of said building used as a food establishment shall conform to and the equipment and operation be in accordance with the provisions of this chapter. (99-Or-119, § 1, 10-29-99; 2005-Or-111, § 1, 11-18-05; 2013-Or-136, § 11, 12-6-13)

188.185. - Qualifications of applicant.

No food or grocery license shall be issued to any applicant who does not meet the following qualifications:

- (a) Applicant must be the actual owner of the premises or the business at the licensed premises. In case of a corporation, he or she must be the manager of such premises or business.
- (b) Within five (5) years of the date of the application, the applicant cannot have been convicted of any crime related to the occupation for which the license is sought, which conviction has not been, pursuant to law, annulled or expunged, including but not limited to the willful violation of any law dealing with food subsidy programs or the sale, possession, manufacture or transportation of controlled substances. The provisions of Minnesota Statutes, Chapter 364 shall govern the enforcement and application of this subsection including the right of an applicant to show competent evidence of sufficient rehabilitation and present fitness.
- (c) The applicant or on site manager must reside within seventy-five (75) miles of Minneapolis City Hall. Such residency requirements shall mean being a resident continuously while the license is in effect.
- (d) If the applicant is a partnership, all partners must qualify in the same manner as individual applicants, except that residency requirements shall be governed by subsection 188.185(c).
- (e) If the applicant is a corporation, it must be authorized to do business in Minnesota.
- (f) No license shall be issued or transferred to any person who has had a license revoked within five (5) years prior to the date of application under the terms of this chapter or the statutes of the State of Minnesota nor shall any license be issued or transferred to the spouse of such person. (2007-Or-064, § 1, 8-31-07)

188.190. - Health inspection, recommendation required; license issuance or denial.

Upon the filing of the application for a license hereunder it shall be referred to the environmental health division for investigation, report and recommendation. After the report and recommendation of the environmental health division have been received by the licensing official, the license may be granted or denied pursuant to section 259.30. (99-Or-119, § 1, 10-29-99; 2005-Or-111, § 2, 11-18-05; 2013-Or-136, § 12, 12-6-13)

188.200. - Application for vending machine license.

The applicant for a license to sell food by vending machines shall, in addition to the above requirements, furnish a list of the addresses wherein the applicant proposes to install and operate any vending machine, the kind and number thereof and the kind and general description of food to be vended. (99-Or-119, § 1, 10-29-99)

188.210. - Application for additional vending machines.

After a vending machine license has been issued, upon a written application to the licensing official and payment of the fee provided in section 188.250 of this Code for each additional machine, the licensee may receive licenses for additional machines over and above the number stated in the original application. The application for such license shall state the desired additional number, the date and number of the original license, the street address of the property or place wherein the additional machines are intended to be installed and shall be signed in the manner required for an original application.

Section 261.35 regarding the new business surcharge shall not apply to a food shelf application. If a machine is replaced or vandalized, a replacement decal may be issued at a cost as established in Appendix J, License Fee Schedule. (99-Or-119, § 1, 10-29-99; 2000-Or-079, § 1, 8-11-00; 2005-Or-111, § 3, 11-18-05; 2013-Or-136, § 13, 12-6-13)

188.220. - Change of vending machine location.

In case a licensee changes or removes a vending machine from the location in which it is authorized by the license or permit to be located, and installs the same in a new location, such new location shall be reported in writing to the licensing official within thirty (30) days after such change or removal. (99-Or-119, § 1, 10-29-99; 2013-Or-136, § 14, 12-6-13)

188.230. - Labeling of vending machines.

Every vending machine licensed hereunder shall bear an emblem or tag securely fastened to the front surface of the machine in a conspicuous place, bearing the expiration date of the license and the registration number assigned to such licensee. No person shall install, use or operate a greater number of vending machines than that for which the person has been granted a license and paid the fees. The licensing official and the environmental health division shall have the right to inspect the licensee's books and records to determine compliance with this section. Each owner shall clearly identify each vending machine or bank of interconnected vending machines

operated by the owner with the owner's current telephone number in such a manner that the information can be easily read without moving the machine or machines. The absence of such an owner's label will constitute a violation of this chapter. (99-Or-119, § 1, 10-29-99; 2013-Or-136, § 15, 12-6-13)

188.240. - Impounding nonconforming machines.

Any vending machine found without the proper license tag or emblem or owner's label thereon shall be impounded by the licensing official and any such impounded machine may be reclaimed by the owner thereof within thirty (30) days from the date of impounding and upon the payment to the city of costs sufficient to defray the expense of impounding and storage, and any reclaimed machine shall not be used except upon compliance with the terms of this chapter. If such machine is not reclaimed within the thirty (30) days above specified, it may be destroyed or disposed of by the police department according to law. (99-Or-119, § 1, 10-29-99; 2013-Or-136, § 16, 12-6-13)

188.250. - License fees generally.

The annual food license fees to be paid hereunder shall be as established in Appendix J, License Fee Schedule.

Multiple food category licenses: Establishments having a restaurant, grocery or food manufacturing license which also have other food category licenses shall have the fees for those other categories, except sidewalk cafe, mobile food vehicle, and seasonal temporary short term and short term food establishment, reduced by thirty (30) percent. In the instance of any question of which fee shall be reduced, the most expensive shall be paid in full and any others reduced.

Section 261.35 regarding the new business surcharge shall not apply to a food shelf application. If a machine is replaced or vandalized, a replacement decal may be issued at a cost as established in Appendix J, License Fee Schedule. (99-Or-119, § 1, 10-29-99; 2001-Or-017, § 1, 2-16-01; 2002-Or-013, § 1, 3-1-02; 2002-Or-023, § 1, 4-5-02; 2002-Or-097, § 2, 9-27-02; 2010-Or-013, § 1, 4-2-10)

188.260. - Entitlement to vending machines without additional fee.

The holder of a food license granted under the provisions of this chapter may dispense food from not more than two (2) approved vending machines located on the premises for which such licensee holds a food license without the payment of any additional fees, provided such licensee is the owner of such machine or machines and is fully responsible for the cleaning, operation and food products being vended, and provided further that the food establishment under license is a type required to have equipment and facilities to properly wash and sanitize such machines and their component parts; any machines in excess of two (2) shall be paid for at the rate provided in section 188.250. (99-Or-119, § 1, 10-29-99; 2000-Or-079, § 2, 8-11-00)

188.270. - Vending machine location.

(a) Each vending machine shall be located in a room, area, or space which can be maintained in a clean condition and which is protected from overhead leakage, or from condensation from water, waste, or sewer piping. The immediate area in which the machine is located shall be well lighted. Each vending machine shall be so located that the space around the machine can be easily cleaned and maintained, and so that insect and rodent harborage is not created.

(b) The floor area where vending machines are located shall be reasonably smooth, of cleanable construction, and be capable of withstanding repeated washing and scrubbing. The space and the immediate surroundings of each vending machine shall be maintained in a clean condition. (99-Or-119, § 1, 10-29-99)

188.280. - Determination of area for fee purposes.

In determining the area for the purpose of fixing the license fee to be paid, all areas used for sales, processing, packaging, serving, cold storage, and all area actually used for storage of products and merchandise used or dispensed in connection with the business carried on at the premises shall be computed. (99-Or-119, § 1, 10-29-99)

188.290. - Fee for out-of-town manufacturer or distributor.

Every food manufacturer or distributor having a place of business outside of the city and desiring to sell or distribute food in the city, who does not have a state license under Minnesota Statute 28A, shall pay an annual fee as established in Appendix J, License Fee Schedule. (99-Or-119, § 1, 10-29-99; 2002-Or-097, § 3, 9-27-02)

188.300. - Single fee for manufacturer and distributor.

If the applicant is both a food manufacturer and distributor having one place of business and manufacturing and distributing the same product or products, such applicant may have one license for both types of business and pay one fee therefor. (99-Or-119, § 1, 10-29-99)

188.310. - Fee for trucks for perishable foods.

The licensee of a food establishment shall pay an annual license fee as established in Appendix J, License Fee Schedule, to cover the cost of inspection for every vehicle used in transporting perishable and readily perishable foods as defined in section 186.50 of this Code. (99-Or-119, § 1, 10-29-99; 2002-Or-013, § 2, 3-1-02; 2002-Or-023, § 1, 4-5-02; 2002-Or-097, § 4, 9-27-02)

188.320. - Manufacturer or distributor includes wholesale and retail.

A duly-issued license for a food manufacturer or distributor shall authorize the licensee to conduct either a wholesale or retail business at the same establishment and for the sale of the same product or products. (99-Or-119, § 1, 10-29-99)

188.330. - Refund of fee.

If the application for a license is not granted, the applicant shall be refunded the fees paid by him, less fee as specified in Appendix J, License Fee Schedule, for processing and application. (99-Or-119, § 1, 10-29-99; 2003-Or-072, § 1, 6-20-03)

188.340. - When licenses expire.

All licenses issued under this chapter shall expire on April first of each year. (99-Or-119, § 1, 10-29-99; 2009-Or-121, § 1, 11-13-09)

188.350. - Revocation of license.

Any license granted under this chapter may be revoked by the mayor or the city council as in the City Charter provided. (99-Or-119, § 1, 10-29-99)

ARTICLE III. - LICENSE HOLDER REQUIREMENTS

188.360. - Additional requirements.

In addition to any requirements found in the Minnesota Food Code, or any other law, statute, rule, resolution, ordinance, or regulation of any kind, a license holder must comply with all requirements contained in this article. (99-Or-119, § 1, 10-29-99)

188.370. - Submission, approval of plans.

When a food establishment is altered or newly constructed, plans or suitable drawings and specifications shall be submitted to the environmental health division and such plans and specifications must be approved before such work is begun. Plans and specifications shall be in sufficient detail so that an accurate and complete appraisal can be made as to compliance with the provisions of this chapter. Failure to submit plans for approval may result in the closing down of operations until plans have been approved. New risk 1 licensees or risk 2 licensees shall be required to complete a process review. The applicable plan review fees are contained in Appendix J.

Failure to pay the fee at the time of submitting the plans will result in a delay of the plan review approval process. (99-Or-119, § 1, 10-29-99; 2003-Or-023, § 1, 2-28-03; 2013-Or-136, § 17, 12-6-13)

188.380. - Handwashing lavatory required.

A hand washing lavatory shall be equipped to provide water to the user at a temperature of at least one hundred ten (110) degrees Fahrenheit (forty-three (43) degrees Celsius), but not more than one hundred thirty (130) degrees Fahrenheit (fifty-four (54) degrees Celsius),-in a food establishment and not more than one hundred twenty (120) degrees Fahrenheit (forty-eight (48)

degrees Celsius), in a sink that is used by children such as a school, day care or preschool, through a mixing valve or combination faucet. (99-Or-119, § 1, 10-29-99)

188.390. - Posting of license.

Each licensee shall keep his license prominently posted or readily available for inspection upon the premises. (99-Or-119, § 1, 10-29-99)

188.400. - Music restricted at certain hours.

(a) No cafe, restaurant or other public eating place or any place furnishing food to the public, shall have in the licensed premises any music between 2:00 a.m. and 8:00 a.m. This shall not prevent radio, television, jukebox or any other prerecorded music, provided it does not constitute a nuisance.

(b) Any violation of this section shall be grounds for revocation of all licenses held by the licensee of the premises where the violation occurs. (99-Or-119, § 1, 10-29-99; 2003-Or-080, § 1, 6-20-03)

188.410. - Telephone required.

All retail food stores which are open longer than sixteen (16) hours on any day of the week must have a telephone for the use of its employees which can be operated without a coin and which is located within ten (10) feet of any cash register then in use. (99-Or-119, § 1, 10-29-99)

188.420. - Requirements for floors.

In addition to floor requirements found in the Minnesota Food Code, floors in all rooms in which food or drink is stored or prepared, in which multiuse utensils are washed, and in walk-in refrigerators, dressing or locker rooms and toilet rooms shall be a smooth, durable, easily cleanable, non absorbent, light-colored material. Permissible materials include, but are not limited to, terrazzo, ceramic tile, quarry tile, or plastic or plastic coating over tight wood or concrete floors or equivalent. The floor covering must be grease resistant in all areas where grease or fatty substances are normally used and may drip or spill on the floor. In every new or remodeled food establishment a coved juncture of at least one-quarter-inch radius between the floor and the wall, except in serving areas, shall be constructed or installed. All exterior areas where food is served shall be kept properly drained. (99-Or-119, § 1, 10-29-99)

188.430. - Requirements for walls and ceilings.

In addition to wall and ceiling requirements found in the Minnesota Food Code, walls of all rooms or areas in which food is normally prepared or multi-use utensils are washed or hands are washed shall be light colored and shall have washable surfaces up to the highest level reached by splash or spray. Washable acoustical materials which are easily cleanable may be used on the ceiling, provided ventilation is adequate to minimize grease and moisture absorption. Wall covering material shall be securely sealed to the wall to prevent accumulations of grease or

insect harborage. Studs, joists, rafters, latticework and other decorative materials in dining or access areas shall be suitably finished and shall be kept clean. (99-Or-119, § 1, 10-29-99)

188.440. - Ventilation required.

In addition to ventilation requirements found in the Minnesota Food Code, ventilation hoods or canopies shall be installed over equipment where grease vapors, smoke, steam, odor, and heat are produced in the preparation of food. The ventilation systems shall be installed in strict conformity to existing city ordinances. (99-Or-119, § 1, 10-29-99)

188.450. - Reserved.

Editor's note— Ord. No. 2014-Or-070, § 1, adopted September 19, 2014, which pertained to toilet facilities required. See also the Code Comparative Table.

188.460. - Garbage and refuse storage and disposal.

In addition to garbage and refuse storage and disposal requirements found in the Minnesota Food Code, each container, room or area shall be thoroughly cleaned after the emptying or removal of garbage and refuse. Food-waste grinders, if used, shall be installed in compliance with city ordinances. Garbage and refuse shall be disposed of with sufficient frequency and in a manner so as to prevent a nuisance. Indoor garbage rooms shall be equipped with a floor drain, hot and cold running water and ventilation to the exterior. (99-Or-119, § 1, 10-29-99)

~~188.470. — Itinerant food establishments.~~

~~An itinerant food establishment conducting an unrestricted operation shall comply fully with the provisions of this chapter. When restricted operations are conducted the environmental health division may accept modified physical facilities, may prohibit the sale of certain potentially hazardous foods and may augment requirements when such action is necessary in the interest of public health. (99 Or 119, § 1, 10 29 99; 2013 Or 136, § 18, 12 6 13)~~

188.480. - Limited mobile food vehicle vending.

It shall be unlawful to open, to operate any limited mobile food vending or mobile food manufacturing vehicle in the city, unless it is licensed, operated and conducted in accordance with the following conditions:

- (1) The licensee must sell only prepackaged, nonperishable or self-limiting packaged confections as approved by the environmental health division, except there may be issued up to fifteen (15) food licenses for operation of mobile food manufacturing vehicles for the sale of popcorn and soft drinks.
- (2) Licensee shall not park his vehicle within thirty (30) feet of an intersection.
- (3) Licensee shall not park in such a manner so as to create a traffic hazard.

- (4) Sales by licensee shall be made on the curbside only and the vehicle shall be parked within one (1) foot of the curb.
- (5) No waste liquids, garbage, litter or refuse shall be dumped on city sidewalks, streets, or lawn areas, or in city gutters or drains. When leaving a sales area, licensee or employees shall pick up all litter resulting from the business sales and shall deposit such litter in a city environmental health division approved covered garbage receptacle located on the vehicle. The receptacle shall be easily accessible for customer use. Licensee shall be responsible for all litter and garbage left by customers.
- (6) Hours of operation for such vehicles shall be limited to the hours between 9:00 a.m. and 10:00 p.m..
- (7) Licensee shall be in conformance with applicable city ordinances regarding noise control and vehicle identification.
- (8) Licensee shall not be allowed to operate on and within the area bounded by the following streets: Commencing at the intersection of Second Avenue North and Washington Avenue; thence southwesterly along Second Avenue North to Ninth Street North; thence southerly and southeasterly along Ninth Street North to LaSalle Avenue; thence southwesterly and southerly along LaSalle Avenue to Grant Street; thence easterly along Grant Street to Portland Avenue; thence northeasterly along Portland Avenue to Ninth Street South; thence southeasterly along Ninth Street South to Chicago Avenue; thence northeasterly along Chicago Avenue to Washington Avenue; thence northwesterly along Washington Avenue to the point of beginning.
- (9) Licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for individuals or three hundred thousand dollars (\$300,000.00) for any single incident. Certificate of insurance shall be delivered to appropriate city officials prior to issuance of a license.
- (10) Licensee shall not operate any such business within two thousand (2,000) feet of any city, county, or state fair, carnival, circus, festival or civic event that is licensed or sanctioned by the city council except when licensee has obtained a temporary food permit from the licensing official as being a participant under the auspices and control of such event.
- (11) Notwithstanding the limitations in subsection (1), licenses may be issued under this section for the sale of prepackaged perishable foods from nonmotorized carts operating on public streets and park board property with the approval of the park board. The construction and dimensions of each cart, and all food and beverage items sold from such carts, shall be subject to the approval of the director of environmental health division. Each mobile food cart shall meet National Sanitation Foundation (NSF) standards for food storage preparation and dispensing. Each cart shall be stored, cleaned and serviced on a daily basis at a permanent location in the City of Minneapolis licensed as a food distributor or manufacturer. All other provisions of this section, except subsection (1), shall apply to a license issued under this subsection.

This shall not be interpreted to prohibit food catering. (99-Or-119, § 1, 10-9-99; 2005-Or-111, § 4, 11-18-05; 2010-Or-013, § 2, 4-2-10; 2013-Or-136, § 19, 12-6-13; 2014-Or-018, § 1, 5-9-14)

188.485. - Mobile food vehicle vendors.

(a) No person shall operate a mobile food vehicle in the city without a valid license required under this section. To the extent authorized in any such license granted under the provisions of this section, the licensee may conduct such licensed business on the public sidewalk or curbside on the street notwithstanding the provisions of sections 188.10, 427.110, 427.130, 478.85, 478.90(a, u, w, and y), 478.350, 478.370, 430.30, 439.30, and 549.160 of this Code.

(b) Plan submission. Application for a mobile food vehicle license shall be made at the licensing division before beginning the construction of a mobile food vehicle vending operation. The licensing official may require such information on the application as it deems reasonable and necessary, including but not limited to, the following information:

- (1) Name and address of the applicant.
- (2) Name and address of the approved commercial supply source and affiliated licensed food establishment in the city. If the licensed food establishment is not owned or operated by the applicant, the applicant shall provide written proof of consent from the establishment's owner to use the facility for food preparation, storage, and cleaning.
- (3) A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers.
- (4) The anticipated volume of food to be stored, prepared, and sold.
- (5) Plans and specifications for the mobile food vehicle, including the proposed layout, photographs, mechanical schematics, construction materials, finish schedules, equipment types, manufacturers, model numbers, locations, dimensions, weight of vehicle per wheel, performance capacities, power source, installation specifications, and information on any custom fabricated equipment.
- (6) Valid copies of all necessary licenses or permits required by state or local health and transportation authorities.
- (7) A signed statement that the licensee shall hold harmless the city, any applicable special service district, and their officers and employees, and shall indemnify the city, any applicable special service district, and their officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. Licensee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee, property owners, city, and the district from all claims for damage to property or bodily injury, including death, which may arise from operations under the license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days' written notice filed with the licensing official. No license issued pursuant to the provisions of this section shall be valid at any time the insurance required herein is not maintained and evidence of its continuance filed with the licensing official.

- (8) The proposed locations for conducting business according to subsection (c) below. No application will be accepted for a license operating location on a public sidewalk or private parking lot where a current license has been issued or a complete application is pending. If the proposed location is on a public sidewalk, the applicant shall submit a signed statement that the licensee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the license. If the proposed location is private property, the applicant shall provide written consent from the property owner. If the proposed location is on or within two hundred (200) feet of park board property, the applicant shall provide written consent in the form of a permit, agreement, or other required written authorization from the park board.
 - (9) Each year at the time of filing the application for such a license, the applicant shall pay to the city finance officer a sum as established in Appendix J, License Fee Schedule.
- (c) Location review and restrictions. Proposed operating locations shall be reviewed as follows:
- (1) The licensing official shall maintain a list of eligible operating locations that is available for review by the public. The licensing official shall refer the subject of mobile food vendors in general to Downtown Business Improvement Special Service District ("the district"), which shall report its advisory recommendations concerning the potential locations of mobile food vendor sites on the public sidewalks within the boundaries of the district in section 465.10
 - (2) Upon receipt of a complete application for a license, the license shall be referred to the director of public works for approval or disapproval. The use of the license operating location for mobile food vending must be compatible with the public interest in use of the sidewalks and streets as public right-of-way. In making such determination, the director of public works shall consider the width of the sidewalk, the method of placing the vehicle, the weight that can be supported by the paving at the proposed location, the proximity and location of existing street furniture, including but not limited to, utility poles, parking meters, bus shelters, benches, street trees, newsracks, as well as, the presence of bus stops, truck loading zones, taxi stands, valet parking zones, or other approved sidewalk cafés or mobile food vehicles to determine whether the requested location would result in pedestrian or street congestion.
 - (3) The director of public works shall not approve a location on a sidewalk where a mobile food vehicle would substantially impair the structural capacity of the sidewalk, movement of pedestrians or vehicles, or pose a hazard to public safety. The director shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within thirty (30) feet of an intersection, within three (3) feet of a curb, or directly in front of a property entryway. Pedestrian walkways of no less than six (6) feet must be maintained on the service side of the mobile food vehicle.
 - (4) No mobile food vehicle vendor application will be accepted for a license operating location on a public sidewalk where a restaurant, with direct access to the sidewalk, is adjacent or within one hundred (100) feet on the same block face. This requirement may be waived if the application is submitted with the written consent of the proprietor of

the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.

- (5) Ingress and egress to private property shall be through existing driveway openings only.
- (6) Parking on streets is permitted when in compliance with all ordinances, regulations, parking zones and posted signage. Sales by the licensee shall be made on the curbside only and the vehicle shall be parked within one (1) foot of the curb. No mobile food vendor shall operate from the public right-of-way where a restaurant, with direct access to the sidewalk, or a permitted sidewalk café is within one hundred (100) feet on the same block face. This requirement may be waived if the licensee furnishes written consent from the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.
- (7) Parking at a metered space is allowed as indicated above and subject to the following conditions:
 - a. Licensee shall only operate at an operational metered space and shall park in such a manner so as to only occupy the designated parking space.
 - b. Licensee shall comply with all posted requirements and fees in accordance with subsection (a).
 - c. Parking at a designated short-term metered space is not permitted.
 - d. When any portion of the mobile food vehicle, including any trailer, extends into an adjacent parking space, then that space shall be considered occupied by the mobile food vehicle and the licensee must comply with all posted meter requirements.
 - e. No mobile food vehicle, including any trailer, shall occupy more than two (2) metered parking spaces. Trailers may be detached from the vehicle while in operation.
 - f. No mobile food vehicle shall be allowed to operate at a metered space where a bicycle lane exists between the parking space and the parking meter.
 - g. No mobile food vehicle shall be allowed to operate at a hooded metered space or a parking meter that is temporarily out of service.
 - h. Licensee is prohibited from reserving a metered parking space by blocking, barricading, hooding, signing, or in any other manner preventing another vehicle from occupying the space.
 - i. No mobile food vehicle vendor shall operate from the public right-of-way within one hundred (100) feet on the same block face of a licensed sidewalk café. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.
 - j. No mobile food vehicle vendor shall operate from a public right-of-way within one hundred (100) feet on the same block face, where a restaurant with direct access to the sidewalk. This requirement may be waived if the application is submitted with

the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.

- (8) The approved operating locations shall be indicated on the license and shall include the area of the mobile food vehicle. The license must be prominently displayed on the vehicle.
 - (9) If the requested operating location is denied, the applicant may select an alternate location, which shall also be referred to the director of public works for review.
 - (10) The city shall not approve more than one (1) mobile food vehicle per private parking lot, which must remain in compliance with the zoning code, including the off-street parking requirements for the host parking lot. The vehicle shall not block required drive aisles.
 - (11) Licensee shall not operate any such business within five hundred (500) feet of any city, county, or state fair, carnival, circus, festival or civic event that is licensed or sanctioned by the city council, or similar event authorized by a permit issued by the park board, except when the licensee has obtained a temporary food permit from the licensing official as being a participant under the auspices and control of such event, and, if applicable, written consent in the form of a permit, agreement, or other required written authorization from the park board.
 - (12) Licensee shall not operate any such business within five hundred (500) feet of a controlled entrance to a regional sports arena or facility, except when the licensee has obtained written permission from the owner and furnished such written permission to the licensing official at least fifteen (15) days in advance of such use.
 - (13) Licensee shall not operate any such business within two hundred (200) feet of park board property without written consent in the form of a permit, agreement, or other required written authorization from the park board.
- (d) Approved food and beverage list. The environmental health division shall maintain a record of approved food and beverage items which may be prepared and sold by mobile food vehicle vendors. Requests to have a food or beverage item considered for approval shall be submitted in writing to the environmental health division, that shall determine whether the food or beverage item is capable of preparation and service from the mobile food vehicle based on the equipment being used and the design and construction of the vehicle.
- (e) Form and condition of license. In addition to naming the licensee, showing the approved operating location site diagram, and any other information deemed appropriate by the licensing official, the mobile food vehicle vending license shall contain the following conditions:
- (1) Each mobile food vehicle vending license shall expire on April first of each year.
 - (2) The license shall not be transferrable from person to person or from place to place without approval of the licensing official.
 - (3) The approved operational location may be changed, either temporarily or permanently, by written notice of the licensing official.
 - (4) The license is valid for one (1) vehicle only.

- (5) There shall be issued to each approved licensee a suitable decal that shall be permanently and prominently affixed to the vehicle.
- (f) Restrictions. The mobile food vehicle shall comply in all respects with all requirements of state law, including but not limited to Minnesota Rules Chapter 1315, Chapter 1346, and Chapter 4626, and any requirements found in any other law, statute, rule, resolution, ordinance, or regulation of any kind and the following:
 - (1) All equipment must meet applicable National Sanitation Foundation (NSF) food service equipment standards.
 - (2) All foods, beverages, and ice must be obtained from an approved commercial source. Food cannot be stored in a home.
 - (3) Any food preparation or food storage done off-site must be accomplished at a city licensed food establishment location. Food cannot be prepared or stored in a home.
 - (4) Hours of operation shall be limited to the hours between 6:00 a.m. and midnight. The hours of operation for mobile food vehicles located within three hundred (300) feet of a residential building or a mixed use building with a residential component shall be limited to the hours between 7:00 a.m. and 10:00 p.m. No approved mobile food vehicle shall be left unattended nor remain at an authorized operating location outside of these allowed hours of operation.
 - (5) Every approved mobile food vehicle vendor shall operate for a minimum of one hundred fifty (150) days during the license term. This condition may be waived for mobile food vehicle vendors located outside the Central Business District.
 - (6) No mobile food vehicle vendor shall use or maintain any outside sound amplifying equipment, televisions or similar visual entertainment devices, lights, or noisemakers, such as bells, horns, or whistles.
 - (7) All waste liquids, garbage, litter and refuse shall be kept in leak proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the licensed food establishment. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place except the licensed food establishment. The garbage receptacle shall be easily accessible for customer use. The licensee shall be responsible for all litter and garbage left by customers.
 - (8) The mobile food vehicle shall not have a drive-through.
 - (9) The environmental health division may summarily close any licensed food establishment, including a mobile food vehicle, pursuant to section 188.580
 - (10) A mobile food vehicle vendor shall obey any lawful order of a police officer, traffic control agent, or other city inspector to move to a different authorized location to avoid congestion or obstruction of the street or sidewalk.
 - (11) The mobile food vehicle shall comply with the provisions of section 466.280 and 536.20 relative to signage and advertising on the vehicle.

- (12) No mobile food vehicle shall use external signage, bollards, seating, or any other equipment not contained within the vehicle.
- (13) Any power required for the mobile food vehicle shall be self-contained, screened from view, and shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from an adjacent property only when the owner provides written consent. No power cable or equipment shall be extended at grade across any city street, alley, or sidewalk.
- (14) The height of the mobile food vehicle, including all accessory equipment, shall not exceed ten (10) feet for operation on a public sidewalk or thirteen (13) feet, six (6) inches for operation on a street or parking lot. The director of public works may reduce the allowed maximum height on a public sidewalk in a particular location in consideration of existing right-of-way obstructions, including trees.
- (15) No mobile food vehicle shall be kept, stored, or maintained on a residentially zoned property in violation of any ordinance or regulation.
- (g) License adverse action. An application or approved license may be denied, revoked, suspended, or not renewed, after notice and an opportunity for a hearing thereon, for any of the following reasons:
 - (1) The application contains material omissions or false, fraudulent, or deceptive statements.
 - (2) The vehicle is operated in such a manner as constituting a public nuisance per this Code or state statutes.
 - (3) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this Code pertaining to food, fire prevention, and health or safety.

The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

- (h) Effective date. This section shall become effective on May 1, 2010. (2010-Or-013, § 3, 4-2-10; 2011-Or-040, § 1, 4-15-11; 2013-Or-136, § 20, 12-6-13)

188.490. - Vehicles to be identified.

Each vehicle, used for transporting perishable and readily perishable food, shall have printed on each side of said vehicle in plain letters not less than one (1) inch in height, the name and post office address of the licensee. (99-Or-119, § 1, 10-29-99)

188.500. - Unpackaged processed food.

- (a) Unpackaged processed food, except readily perishable food as defined in section 186.50 of this Code, may be displayed and sold in bulk in self-service containers if all of the following conditions are satisfied:

- (1) Each self-service container has a tight-fitting lid which is kept in a closed position at all times except during customer service.
 - (2) Each self-service container has a utensil with a handle for dispensing the product.
 - (3) Self-service containers, lids and utensils are constructed of nontoxic materials and provide for easy cleaning and proper repair.
 - (4) Self-service containers, lids and utensils are maintained in a sanitary condition and in a manner that prevents spoilage and infestation.
- (b) Unpackaged processed food may be displayed and sold in bulk in other than self-service containers if all the following conditions are satisfied:
- (1) The food is served by an employee of the food establishment directly to a consumer.
 - (2) The food is displayed in clean, sanitary and covered or otherwise protected containers.
- (c) All policy statements or guidelines relating to the distribution of bulk foods shall be filed by the environmental health division with the city clerk prior to its effective date. A public hearing before the appropriate committee of the city council shall be held if requested by an interested party. (99-Or-119, § 1, 10-29-99; 2013-Or-136, § 21, 12-6-13)

188.510. - Sidewalk cart food vendors.

Notwithstanding the provisions of sections 188.110, 188.480(8), 427.110 and 427.130 of this Code, licenses may be issued pursuant to section 259.30 for sidewalk cart food vendors for the sale of specified food and beverage items from mobile pushcarts on the public sidewalks, which shall be operated and conducted in accordance with the following conditions:

- (1) Each sidewalk cart shall be separately licensed and may operate only at the location specified in the license, except as permitted in subsection (20). However, in the event a licensee holds licenses for more than one (1) location, the licensee may place any of the licensee's licensed carts at any location for which the licensee holds a license. No licensee may trade carts or locations with another licensee; however, should a licensee apply for and be granted a different location for a cart during the licensing year and chooses to surrender the original location for that cart, the fee for such midseason cart location transfer shall be the fee indicated in section 188.250 of this Code for transfer alone.
- (2) Application procedure:
 - a. Each applicant shall file an application with the licensing official on forms provided by the official. In addition to the requirements of section 188.180 of this Code, the licensing official may require such information on the application as the official considers reasonable and necessary.
 - b. No application for a single license or for the first of several licenses shall be accepted for filing unless the applicant files therewith plans and specifications for the cart which have been approved by the environmental health division. Provided, however, that if the cart is not ready and available for inspection sixty (60) days after the application is filed, the applicant's proposed operating location shall be

available to other applicants, and the applicant shall be required to select a new location.

No application from a single applicant for licenses beyond a first license shall be accepted for filing unless the applicant possesses sidewalk carts ready and available for inspection for each location beyond the first location. A single applicant, for the purposes of this section, shall mean an individual person, or any member of that person's immediate family and shall also include a corporation and any corporation with substantially the same ownership or ownership by persons of the immediate family of the stockholders of that corporation or partnership.

- c. Each applicant shall include in the application a proposed operating location. The proposed location shall be referred to the director of public works for the approval or disapproval. The director of public works shall not approve a location where a sidewalk cart would substantially impair the movement of pedestrians or vehicles, or pose a hazard to public safety. Further, the director of public works shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within fifty (50) feet of an intersection, within three (3) feet of a curb, or directly in front of a commercial entryway. If the applicant's proposed location is disapproved, the applicant shall be so notified, and the applicant may select an alternate location, which shall also be referred to the director of public works for approval or disapproval. A holder of a valid license for the previous license year may renew that license and thereby reserve that location for another license year. Any license not renewed by April fifteenth shall cause that location to become available to other applicants. Licenses may be renewed between April first and April fifteenth by the payment of a late fee in addition to the license fee. All licensees shall be notified of the availability of locations which have been vacated or for which licenses have not been renewed. The notification shall include a due date for applicants for these locations and a date upon which a lottery will be held to choose among multiple applicants.
 - d. The director of public works shall refer the subject of sidewalk cart food vendors on the Nicollet Mall to the advisory board provided for in Minnesota Statutes, Section 430.101, subdivision 3. The advisory board shall report its recommendations concerning the number and location of sidewalk cart sites on the Nicollet Mall to the director of public works. The director of public works shall review the board's report and prepare a list of approved locations on the Nicollet Mall. The list shall be available in the office of the licensing official to any applicant or interested person.
 - e. No location which has been chosen in a previous application shall be available for selection.
- (3) All sidewalk cart food vendor licenses shall expire on April first of each year subject to renewal year to year thereafter.
 - (4) No sidewalk cart shall have dimensions exceeding four (4) feet in width, eight (8) feet in length and eight (8) feet in height. However, a cart may be equipped with an awning which overhangs by not more than twelve (12) inches in any direction. Each sidewalk

cart shall be self-propelled and capable of being moved and kept under control by one (1) person traveling on foot. A special license may be granted to a handicapped person to operate a sidewalk cart propelled by electric motor, provided that the applicant shall meet all other conditions for a license.

(5) Location restrictions:

- a. Sidewalk cart food vendors may operate only within the area bounded by the following: Commencing at the intersection of Third Avenue North and the Mississippi River, thence southeasterly along the Mississippi River to Interstate 35 West, thence southerly along Interstate 35 West to Interstate 94, thence westerly and northerly along Interstate 94 to Glenwood Avenue, thence easterly to Tenth Street, thence northerly to Third Avenue North, thence northeasterly to the point of beginning or the sidewalk abutting the south side of Vineland Place between Lyndale Avenue South and Bryant Avenue South.
 - b. A sidewalk cart food vendor licensed under this section may operate on privately or publicly owned property, within the boundaries described in subparagraph (1) above, with the express written consent of the property owner, and the approval of the director of public works.
- (6) A sidewalk cart food vendor license shall not be transferable from person to person or from place to place without approval of the licensing official.
- (7) Every licensee shall maintain a permanent location within the City of Minneapolis for the storage and preparation of food and beverages carried by the licensee's sidewalk carts, and for the cleaning and servicing of those carts. Such permanent location shall comply in all respects with the requirements of the Minneapolis Food and Beverage Ordinances, and shall be separately licensed as a food distributor. Each sidewalk cart shall return to the permanent location at least once daily for cleaning and servicing.
- (8) Each sidewalk cart shall meet National Sanitation Foundation (NSF) standards for food storage, preparation and dispensing. Toilet facilities shall be required at the permanent location but not on each cart.
- (9) Each cart shall carry adequate hand-washing facilities for the employees of the licensee. A waste retention tank with fifteen (15) percent larger capacity than water supply tank shall be provided.
- (10) All waste liquids, garbage, litter and refuse shall be kept in leakproof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the permanent location. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles or any other place except at the permanent location. When leaving the sales area the licensee or his employees shall pick up all litter resulting from his business and shall deposit such litter in an approved container located on his cart.
- (11) The environmental health division shall publish, and may from time to time amend, a list of approved food and beverage items which may be sold by sidewalk cart food vendors. No items of any kind, other than approved food and beverage items, shall be sold or dispensed from sidewalk carts.

- (12) There shall be issued to each licensee a suitable decal for each licensed pushcart. Every pushcart licensed under this chapter shall at all times have the decal permanently and prominently fastened on the pushcart.
- (13) Affixed permanently and prominently to each pushcart shall be a sign no smaller than twelve (12) inches by twelve (12) inches displaying the name, address and telephone number of the pushcart owner.
- (14) Each licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for individuals, three hundred thousand dollars (\$300,000.00) for any single incident and ten thousand dollars (\$10,000.00) for property damage. A certificate of insurance shall be delivered to the licensing official prior to issuance of a license. The city shall be named an additional insured.
- (15) No sidewalk cart operator shall use lights or noisemakers, such as bells, horns or whistles, to attract customers. A sidewalk cart operator may use battery-operated lights with protective shielding for the purpose of illuminating food and utensils.
- (16) No sidewalk cart shall operate before 7:00 a.m. or after 11:00 p.m. on any day.
- (17) No sidewalk cart shall operate, park, stand or stop in any street or alley except to cross at designated street crossings.
- (18) The city council shall establish a reasonable fee, not to exceed two hundred fifty dollars (\$250.00) per year, to be charged to each sidewalk cart food vendor not located on a specially assessed mall, to defray the cost of cleanup and maintenance and other policing in connection with the operation of the food cart.
- (19) Any sidewalk cart operator who shall fail to operate at any licensed location for thirty (30) consecutive days between May first and October first shall forfeit that location. The licensing official shall notify all licensees of the vacation of said location and shall set a date for a lottery, if necessary, to choose among multiple applicants.
- (20) Notwithstanding other provisions of this section, a licensed sidewalk cart may operate at an indoor location other than its normal sidewalk location, with the approval of the environmental health division and the consent of the property owner, during the following times:
 - a. Between October first and April thirtieth.
 - b. Between May first and October first only during periods of inclement weather.

All other conditions and restrictions of this section shall continue to apply to a sidewalk cart operated at an indoor location under this subsection. (99-Or-119, § 1, 10-29-99; 2000-Or-079, § 3, 8-11-00; 2005-Or-111, § 5, 11-18-05; 2013-Or-136, § 22, 12-6-13)

188.520. - Indoor food cart vendors.

- (a) A food license may be issued pursuant to section 259.30 for the operation of a food cart on indoor private property in accordance with the provisions of this section.

- (b) Application for an indoor food cart license shall be made upon forms provided by the licensing official and shall require information necessary to verify that the terms and conditions of this section have been met.
- (c) Each food cart shall be separately licensed and may operate only at the location specified in the license. A license may allow for reasonable movement within a designated area of a building, provided that the food cart is at all times readily observable by city inspectors in the course of their inspection duties. Every location for an indoor food cart shall comply with all applicable provisions of building and fire codes, including those relating to ingress, egress, and passageway clearance.
- (d) Each food cart license holder shall have the written consent of the property owner to its operation at the licensed location.
- (e) All indoor food cart licenses shall expire on April first of each year.
- (f) The provisions of subsections 188.510(4), (6), (7), (8), (9), (10), (11), (12), (13), (15), and (17) relating to sidewalk food carts shall also apply to indoor food carts, and such provisions are incorporated herein as though fully set forth in writing. However, the environmental health division may adopt regulations authorizing dimension limitations for indoor food carts that exceed the limitations in subsection 188.510(4) for sidewalk food carts.
- (g) No license shall be issued for an indoor food cart in a skyway.
- (h) A sidewalk food cart operating indoors pursuant to subsection 188.510(20) shall pay only the license fee for sidewalk food carts and shall be exempt from the license fee for indoor food carts.
- (i) No application for a license shall be accepted for filing unless applicant files therewith plans and specifications for the cart that have been approved by the environmental health division.
- (j) The license fee for indoor food carts shall be as established in Appendix J, License Fee Schedule. (99-Or-119, § 1, 10-29-99; 2000-Or-079, § 4, 8-11-00; 2002-Or-023, § 1, 4-5-02; 2002-Or-097, § 5, 9-27-02; 2005-Or-111, § 6, 11-18-05; 2009-Or-121, § 2, 11-13-09; 2013-Or-136, § 23, 12-6-13)

188.530. - Kiosk food cart vendors.

- (a) Notwithstanding the provision of sections 188.450 and 188.510(7), a food license may be issued pursuant to section 259.30 for the operation of a food cart in a kiosk on private property in accordance with the provisions of this section.
- (b) Application for a kiosk food cart license shall be made upon forms provided by the licensing official and shall require information necessary to verify that the terms and conditions of this section have been met.
- (c) Each food cart shall be separately licensed and may operate only at the location specified in the license. The food cart must at all times be readily observable by city inspectors in the course of their inspection duties. Every location for an indoor food cart shall comply with all applicable provisions of building and fire codes, including those relating to ingress, egress and passageway clearance.

- (d) Each food cart license holder shall have the written consent of the property owner to its operation at the licensed location.
- (e) All kiosk food cart licenses shall expire on April first of each year.
- (f) The provisions of subsections 188.510(4), (6), (8), (9), (10), (11), and (12) of this Code, relating to sidewalk food carts shall also apply to kiosk food carts, and such provisions are incorporated herein as though fully set forth in writing. However, the environmental health division may adopt regulations authorizing dimension limitations for kiosk food carts that exceed the limitations in subsection 188.510(4) for sidewalk food carts.
- (g) The menu for kiosk food cart vendor shall be limited to espresso-type drinks and other non-potentially-hazardous foods as determined by the environmental health division.
- (h) Fully operational and stocked toilet facilities and lavatory must be convenient to employees and be available at all hours of operation of the kiosk.
- (i) The manager of environmental health division shall publish and may amend from time to time a set of guidelines relative to the servicing and maintenance of a kiosk food cart vendor.
- (j) No application for a license shall be accepted for filing unless applicant files therewith plans and specifications for the cart which have been approved by the environmental health division.
- (k) The annual license fee for each kiosk cart food vendors license shall be those fees described in section 188.250 of this Code.
- (l) Each application for a kiosk cart food vendors license shall comply with the site plan review standards as described in section 530.10 of this Code.
- (m) All kiosks licensed under this chapter shall be designed to be directly accessible from a motor vehicle so that items sold are passed directly from a service window to the driver of the waiting motor vehicle. (99-Or-119, § 1, 10-29-99; 2000-Or-079, § 5, 8-11-00; 2005-Or-111, § 7, 11-18-05; 2009-Or-121, § 3, 11-13-09; 2013-Or-136, § 24, 12-6-13)

188.540. - Regulations of outdoor areas in retail food establishments.

The following regulations shall apply to all outdoor areas in retail food establishments which do not hold on-sale liquor, wine, or beer licenses, including establishments holding sidewalk café permits:

- (1) Every outdoor area must be approved as part of the original licensed premises or by the granting of an application for expansion of the licensed premises.
- (2) Entertainment:
 - a. No food establishment shall conduct entertainment, including nonlive entertainment such as radio, taped music, and television, in an outdoor area without approval of the city council.

- b. In the downtown and eastbank commercial district described in section 362.430 of this Code, the city council may approve any forms of entertainment unless otherwise prohibited by law.
 - c. Outside the downtown and eastbank commercial district described in section 362.430 of this Code, the city council may approve only those forms of entertainment which would be authorized under a class E on-sale liquor, wine, or beer license.
 - d. Regardless of the forms of entertainment authorized for an outdoor area, the city council may further restrict the days, hours, nature, volume, and other aspects of entertainment in any outdoor area, including a prohibition against all forms of nonlive music, radio, television, and other entertainment, to protect the safety, repose, and welfare of residents, businesses and other uses near the establishment.
 - e. The city council may authorize an establishment to conduct entertainment not otherwise allowed under its license in an outdoor area by permit temporarily for special events. Application for such permit shall be filed with the licensing official on a form prescribed by the official. The fee for a temporary entertainment permit shall be as established in Appendix J, License Fee Schedule.
- (3) All new and remodeled outdoor areas shall be handicap accessible. All existing outdoor areas shall comply with building codes relating to handicap accessibility. No outdoor area shall reduce existing handicap accessibility.
 - (4) The city council may restrict the hours of operation of an outdoor area based upon proximity of the area to residential dwelling units, and upon considerations relating to the safety, repose, and welfare of residents, businesses, and other uses near the establishment.
 - (5) The city council may require that access to and egress from an outdoor area only be through the door connecting it to the remainder of the premises, or to property controlled by the licensee.
 - (6) The licensee shall be responsible for picking up trash and litter generated by the operation of the outdoor area within a reasonable distance from the area.
 - (7) The city council may review the operation of any outdoor area in connection with the renewal of the license for the establishment, or at any other time for good cause. Violation of the terms and conditions of this section shall be grounds for revocation, suspension, or refusal to renew the license for that portion of the licensed premises pertaining to the outside area.
 - (8) All special restrictions relating to the hours of operation and types of entertainment in an outdoor area shall be endorsed on an addendum to the license certificate and posted in the establishment with the license certificate.
 - (9) For those establishments located in the Central Commercial District, as defined in section 360.10, the licensee shall not serve or permit any beverage in an original container manufactured from glass in an outdoor area after 9:00 p.m. (99-Or-119, § 1, 10-29-99; 2000-Or-055, § 1, 6-23-00; 2005-Or-111, § 8, 11-18-05; 2013-Or-136, § 25, 12-6-13)

188.550. - Reserved.

Editor's note— Ord. No. 2011-Or-071, § 5, adopted August 5, 2011, repealed § 188.550, which pertained to Minneapolis food manager certification program. See also the Code Comparative Table.

188.560. — Minneapolis food manager certification requirements.

Minneapolis food establishments must comply with the food manager certification requirements, as set out in Minnesota Rules, Chapter 4626.2000 to 4626.2525. In support and/or addition to the Minnesota Rules, all persons licensed to operate a food establishment under this chapter (except short term food establishments) shall at all times employ at least one (1) full time person with supervisory responsibilities (which may be the licensee) who (1) spends a substantial amount of his/her work week at that food establishment, and (2) who has a current Minnesota Department of Health food manager certificate. A large establishment with more than one (1) food preparation and service location under one (1) license, shall have a Minnesota Department of Health certified manager for each location.

A new licensee shall provide proof of certification before the facility is approved to open.

The licensee shall notify the city when the certified person leaves or terminates employment with the food establishment. A food establishment that no longer employs a certified manager shall employ a certified manager within thirty (30) days.

All establishments (except short term food establishments and those exempted pursuant to rules adopted under the authority of the ordinance) shall maintain up to date written policies and guidelines on the premises. These policies and guidelines shall have been approved by the environmental health division and shall govern food handling and preparation, sanitation practices and techniques, personal hygiene including handwashing techniques, the prevention of food borne illness through proper receiving, storage, preparation, cooling and reheating of foods, and other related matters. (99-Or-119, § 1, 10-29-99; 2003-Or-023, § 2, 2-28-03; 2011-Or-071, § 6, 8-5-11; 2013-Or-136, § 26, 12-6-13)

188.570. - Notification requirements for implementation of Minnesota Rules 4626.0410, Time As Public Health Control.

A food establishment intending to use the procedures provided under Minnesota Rules 4626.0410 must submit written notification of its intention to use said procedures, and receive approval from the environmental health division prior to implementing the provisions of Minnesota Rules 4626.0410. (99-Or-119, § 1, 10-29-99; 2013-Or-136, § 27, 12-6-13)

188.580. - Emergency closure of licensed food establishment.

(a) Summary closure conditions. The environmental health division may summarily close any licensed food establishment for the following reasons:

- (1) Any one (1) of the following conditions exist on, or result from, the operation of the licensed premises:
 - a. Evidence of a sewage backup in a food establishment to such an extent that the floor in food preparation, storage or warewashing areas has been flooded.
 - b. No potable hot or cold water under pressure to a food establishment to such an extent that handwashing, warewashing, food preparation, or toilet facilities are not operational.
 - c. A lack of electricity or gas service to a food establishment to such an extent that handwashing, warewashing, food preparation, or toilet facilities are not operational.
 - d. Evidence of an ongoing food-borne illness caused by the operation of the establishment.
 - e. More than one (1) violation within thirty (30) days of holding potentially hazardous foods between fifty (50) degrees Fahrenheit and one hundred thirty (130) degrees Fahrenheit.
 - f. Lack of an accessible, previously approved handwashing facility in the food preparation area, or three (3) violations within thirty (30) days for improper maintenance of approved handwashing facilities, such as lack of soap or single-service hand towels.
 - g. Lack of an approved and presently operable dishwashing system on-premises, where food preparation utensils and/or reusable eating utensils are used as part of the business.
 - h. The presence of gnawed or rodent contaminated (urine stained) food product.
 - i. An infestation of rodents to such an extent that one (1) live mouse or rat is observed within the premises of the food establishment or there is the accumulation of fresh mouse droppings in more than one (1) location in either the food preparation or storage areas, or the presence of fresh rat droppings in one (1) location in the food storage or preparation areas.
 - j. An infestation of cockroaches in the premises to such an extent that six (6) or more live cockroaches are observed in the food preparation area or storage area, or there is the presence of one (1) cockroach in food caused by the operation of the food establishment.
 - k. The presence of flies breeding in the licensed food establishment as shown by the presence of eggs or maggots.
 - l. The presence of any condition that poses an imminent risk of substantial harm to the public health, safety or welfare.
 - (2) Lack of a license required by Title 10, Chapter 188 of the Minneapolis Code of Ordinances.
- (b) Procedure for emergency closure.
- (1) Order to be issued. If the environmental health division, following an on-site inspection determines that any of the grounds for emergency closure exist in a licensed food

establishment, an order for emergency closure may be summarily issued on such form as the environmental health division shall promulgate. Such order shall: Identify the licensed food establishment; describe the specific grounds upon which the closure is based; state by what time the patrons must vacate; state that a hearing on the emergency closure can be requested by owner or manager by informing the environmental health division; and be signed by an environmental health division representative. Such order shall be served on the owner, manager or apparent person in charge of the premises who shall thereupon close the premises, which shall remain closed pending either approval of the environmental health division of the abatement of the condition(s) giving rise to the emergency closure, or final order of the environmental health division after hearing as provided in subsection (2) below.

- (2) Hearing. Upon written request, a hearing to consider whether the establishment may reopen, and the conditions, if any, to be imposed for such reopening, shall be commenced no later than three (3) business days after receipt of the written request. The environmental health division shall render a written decision within two (2) business days after conclusion of the hearing.

(c) Violation. Any of the following is punishable as a misdemeanor:

- (1) Failure of the owner, manager or apparent person in charge to close a licensed food establishment and/or vacate the patrons from the establishment after service of an order for emergency closure.
- (2) Failure of any person to leave a licensed food establishment subject to an order for emergency closure upon being ordered to leave by the environmental health division. (99-Or-119, § 1, 10-29-99; 2000-Or-060, § 1, 7-14-00; 2013-Or-136, § 28, 12-6-13)

188.590. - Pest control services required.

The services of a licensed pest control operator shall be required when a facility has evidence of rodent or insect activity to the extent that rodent droppings are visible, or live insects are seen during an inspection. The facility shall maintain records of the pest control operator's services on file for inspection. (2003-Or-023, § 3, 2-28-03)